



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

August 31, 2011

Ms. Kim Scharlow
Zoning Administrator
McHenry County Dept of Planning & Development
2200 N. Seminary
Woodstock, IL 60098

**Re: Myers/Acorn Landscaping & Snow Plowing Business ~ Conditional Use
Endangered Species Consultation Program
Project Number(s): 1200141
County: McHenry**

Dear Ms. Scharlow:

The Department received your submission via the Department's Ecological Compliance Assessment Tool (EcoCAT) website, regarding this project in Section 30, Township 44 North, Range 8 East for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The project, located at 4605 North Oak Street, involves a conditional use permit within the A-1 Agriculture District to allow the operation of a landscaping and snow plowing business and the storage of commercial equipment and vehicles outside. According to correspondence from your office, this business has been in operation illegally for about a year.

The project is located in the vicinity of a record for the State-listed endangered **Blanding's Turtle**, *Emydoidea blandingii*. Although not picked up by Ecocat due to buffer distances, the site is also approximately 1,670' east of the Lake in the Hills Class III Groundwater Area.

The Department has completed its review of the project and determined that the action may have an adverse impact on the State-listed endangered **Blanding's Turtles**, *Emydoidea blandingi*, since records exist near this project. To minimize potential impacts, the Department recommends the following measures be implemented by the applicant and incorporated into the County's project authorization.

Blanding's Turtles

1. The Department recommends that construction crews, and all on-site personnel, be educated and informed about Blanding's Turtles before proposed work begins. Photos of both adult and juvenile Blanding's turtles should be distributed and the site management plan for responding to potential encounters should be discussed in a training session and at a preconstruction site meeting.

Mowing regimes present an added risk of injury or death to turtles as they travel to and from wetlands during spring, summer, and fall. Anyone that will be mowing should also be educated about the species, be aware that they may be present between March – October, and be instructed on what to do if any are encountered.

2. If a Blanding's Turtle is encountered on site, personnel should be instructed to immediately stop activities in the surrounding area and contact the McHenry Country Conservation District (815/728-8307) and the Department's Heritage Biologist (Brad Semel, 815/675-2386 x 317) keeping in mind it is a criminal act to handle a listed species. Personnel on site should watch the turtle until the proper authority arrives to alleviate the situation, keeping at a respectable distance. If the turtle moves, crews should mark the spot they first saw the turtle and the last spot it was seen. If a Blanding's Turtle is encountered, Incidental Take Authorization from the Department's Office of Resource Conservation may be recommended, which would result in a Conservation Management Plan for the species for this project.

3. The project area may contain an unknown nesting site or the route to a nesting site. Therefore, potential harm to transiting turtles is a concern. The Department recommends limiting new construction to between October 31 and mid March, when this species is hibernating, to prevent construction activities from crushing or injuring juvenile or adult turtles.

4. If construction cannot be limited to the recommended time frame, exclusionary fencing should be installed and in place, from the beginning of March and remain until the end of October, to prevent turtles from entering the construction areas. Daily inspections of both sides of the fence should occur for the first two weeks and then be maintained weekly throughout the construction period to ensure the exclusionary fencing has been properly installed (dug into the ground) and to check if any turtles are present are present on either side of the fence.

5. The Department recommends that trenches or excavations dug as a result of this business be covered at the end of each work day. Before starting each work day, trenches and excavations should be routinely inspected to ensure no turtles (or other animals) have become trapped within them.

Snow-Plowing Business

The Department recommends provisions be incorporated to capture potential salt runoff from snow plows used for this business to prevent salt-laden runoff from moving off property and having the potential to contaminate the Class III Groundwater area to the west. Clarification of whether the site will store road salt should be provided; additional recommendations may need to be made if salt storage is planned. The Department is concerned that if salt is stored, or on snow plows, that the site, and stormwater runoff, will contain chlorides, a substance not present prior to this conditional use request.

Further, truck rinsing should be kept inside a building and routed to stormwater drains and not be allowed to leave the site. Building should be checked for any gaps at the base of building walls; if present, gaps should be filled in to prevent chemical and/or chloride releases to the exterior. Salt should be mixed with sand to lessen amount of salt needed and good housekeeping measures should be practiced on a daily basis: return any spilled salt to the piles or trucks; do not overfill trucks; keep truck beds covered; return unused materials to stock piles, and mix salt and sand during good weather.

Consultation on the part of the Department is completed. In accordance with 17 Ill. Adm. Code 1075.40(h), the County must notify the Department of its decision regarding these recommendations, whether they will:

- Allow the action to proceed as originally planned;
- Require the action to be modified per Department recommendations (please specify


- which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resources review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected species are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this consultation review.

Cordially,



Kathi Davis
Division of Ecosystems and Environment
Impact Assessment Section
Office of Realty & Environmental Planning
217-785-5500

enclosure

cc: Brad Semel, IDNR/Region II/Natural Heritage
Ray Eisbrener, IDNR/Region II/Wildlife
Steve Byers, Illinois Nature Preserves Commission
Darrell Moore, McHenry County Dept. of Planning & Development
Elizabeth Kessler, McHenry County Conservation District
Cindy Skrukrud, McHenry County Defenders/1075.70
Lisa Haderlein, The Land Conservancy of McHenry County/1075.70